

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **EDCV 22-1762-KK-SHKx**

Date: December 6, 2023

Title: ***Nadeau-Perry v. FedEx Office and Print Services, Inc.***Present: The Honorable **KENLY KIYA KATO, UNITED STATES DISTRICT JUDGE**

Noe Ponce

Not Reported

Deputy Clerk

Court Reporter

Attorney(s) Present for Plaintiff(s):

Attorney(s) Present for Defendant(s):

None Present

None Present

Proceedings: (In Chambers) Order to Show Cause Why Action Should Not Be Dismissed for Failure to Prosecute and Comply with Court Orders

On July 7, 2022, plaintiff Deborah Nadeau-Perry (“Plaintiff”) filed a complaint against Defendant FedEx Office and Print Services, Inc. (“Defendant”) in the Superior Court of California, County of San Bernardino. ECF Docket No. (“Dkt.”) 1, Exhibit A. On October 7, 2022, Defendant filed an Answer, Dkt. 1, Exhibit C, and a Notice of Removal to the United States District Court for the Central District of California. Dkt. 1.

On November 1, 2022, the Court issued an Order submitting the matter to binding arbitration and staying the case pending final determination of the arbitration proceedings. Dkt. 9. The Court additionally ordered the parties to file a Joint Report every ninety (90) days regarding the status of the arbitration. Id. at 2. The parties last filed a Joint Report on August 3, 2023. Dkt. 11. The parties were, therefore, required to file a subsequent Joint Report no later than November 1, 2023. To date, the Court has not received a Joint Report. Hence, the parties are in violation of the November 1, 2022 Order.

Pursuant to Federal Rule of Civil Procedure 41(b), the Court may dismiss this action with prejudice for failure to prosecute or failure to comply with a court order. See FED. R. CIV. P. 41(b). Before dismissing this action, the Court will afford Plaintiff an opportunity to explain her failure to file the Joint Report as directed by the Court’s November 1, 2022 Order.

Accordingly, Plaintiff is **ORDERED TO SHOW CAUSE** in writing why this action should not be dismissed and/or sanctions imposed for failure to prosecute and/or comply with

court orders. Plaintiff shall have **up to and including December 13, 2023** to respond to this Order.

Plaintiff is expressly warned that failure to timely file a response to this Order will result in this action being dismissed without prejudice and/or other sanctions, including monetary sanctions, for failure to prosecute and comply with Court orders. See FED. R. CIV. P. 41(b).

IT IS SO ORDERED.